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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,717	11/26/2003	Steve Postma	136851SV/YOD GEMS:0245	9773
7590	09/13/2006		EXAMINER LIEU, JULIE BICHNGOC	
Patrick S. Yoder FLETCHER YODER P.O. Box 692289 Houston, TX 77269-2289			ART UNIT 2612	PAPER NUMBER

DATE MAILED: 09/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/723,717	Applicant(s) POSTMA, STEVE	
	Examiner Julie Lieu	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-14 and 26-29 is/are allowed.
- 6) ☒ Claim(s) 15-21, 23 and 24 is/are rejected.
- 7) ☒ Claim(s) 22, 30 and 31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>7/3/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office action is in response to Applicant's amendment filed July 03, 2006. Claims 1, 8, 15, 19, and 26-28 have been amended. Claim 5 has been canceled.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 15, 17, 19-21, 23, and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Covey et al. (US 2004/0162586).

Claim 15:

Covey et al. discloses a system for maintaining an medical device, comprising:

a. a medical device component 50 for use within a medical device 10;

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- b. a radio frequency (RF) transmitter 60 coupled to the medical device component and maintaining information related to the medical device component; and
- c. a RF receiver 44 configured to receive the information related to the medical device component from the RF transmitter
- d. wherein the medical device 10, the medical device component 30, or a combination thereof is configured to communicate with the RF transmitter 40.

Claim 17:

RF transmitter 40 maintains information related to the manufacture of the medical device component 30. Para. [0037].

Claim 19:

The rejection of claim 19 recites the rejection of claim 15, except it is a method claim.

Claim 20:

In Covey, activating comprises providing power to the RF device 60. Para. [0034].

Claim 21:

The activating disclosed in Covey comprises interrogating the RF device via an RF interrogator.

Claim 23:

Covey's method includes determining whether service is warranted on the component of the medical device based upon the information received from the RF device.

Claim 24:

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It is inherent that the method in Covey's includes servicing the component of the medical device in response to the information received from the RF device, e.g. the component expires, etc....

Claim Rejections - 35 USC § 103

5. Claims 16, 18, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Covey et al. (US 2004/0162586).

Claims 16 and 18:

Covey fails to disclose that RF transmitter 40 maintains information related to the installation of the medical device component 30 in the medical device 10. However, the reference suggests in para. [0037] that RFID stores information such as manufacture lot code, expiration etc... In light of this suggestion, it would have been obvious to one skilled in the art to store installation date and maintenance information of the component so that this information would be known when desired by a user of the device for maintenance purposes.

Claim 25:

Covey fails to disclose scheduling maintenance for the component of the medical device based upon the information received from the RF device. Nonetheless, it would have been obvious to one skilled in the art to schedule maintenance service for the component because it would prevent failure of the medical device due to malfunction of the component due to its old age, etc....

Allowable Subject Matter

6. Claims 22, 30, and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 1-14 and 26-29 are allowed.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Lieu whose telephone number is 571-272-2978. The examiner can normally be reached on MaxiFlex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 571-272-3068. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Julie Lieu', with a stylized, flowing script.

Julie Lieu
Primary Examiner
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